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UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION

In re:

Mario E. Cuestas,

Debtor.

Case No. 12-54151

Chapter 13

**MOTION TO APPROVE LOAN
MODIFICATION**

(no hearing required unless requested in writing)

**TO THE HONORABLE STEPHEN L. JOHNSON, UNITED STATES BANKRUPTCY COURT
JUDGE, THE DEBTOR, THE DEBTOR'S COUNSEL, THE TRUSTEE, AND OTHER
INTERESTED PARTIES:**

Nationstar Mortgage LLC ("Movant") hereby moves this Court for an Order to authorize Debtor to enter into a loan modification affecting the real property commonly known as 2424/2426 Cincinnati Ave, San Antonio, Texas 78228 (the "Property").

Movant hereby moves this Court for an Order to authorize Debtor to enter into a loan modification on the Property because Debtor and Movant have agreed to modify the terms of the loan on the Property. The purpose of Movant's Motion is to obtain a "comfort order" so that the Court may find that negotiating and entering into a loan modification agreement does not violate the automatic stay provision of 11 U.S.C. § 362 or any other provision of the Bankruptcy Code or law. Movant is not requesting that the Court approve nor disapprove any specific terms of the loan modification agreement or any incorporated documents. It is merely out of an abundance of caution that Movant

1 proceed in this manner. Movant submits the attached Declaration, as well as other evidence attached
2 hereto in support of its Motion.

3 **WHEREFORE**, Movant prays that this Court issues an Order as follows:

- 4 1. An Order authorizing Debtor to enter loan modifications of the type described in the Motion.
- 5 2. Any other and further relief as the Court deems just and proper.

6 Dated: 11/18/2014

Respectfully Submitted,
Buckley Madole, P.C.

8 By: /s/Mark D. Estle
Mark D. Estle
9 Attorney for Movant